

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LOIS FAYE SHERMAN,
as Representative of the Estate of
GARY SHERMAN, Deceased,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. CIV-22-1004-JD

COMPLAINT

COME NOW the Plaintiff, Lois Faye Sherman, as Representative of the Estate of Gary S. Sherman, Deceased, by and through her attorney, Steven W. Crow, of Delluomo & Crow, P.A., and for her cause of action over and against Defendant United States of America, alleges and state as follows:

JURISDICTION

1. That Lois Faye Sherman is a resident of Comanche County, State of Oklahoma, and is duly appointed Representative of the Estate of Gary S. Sherman.
2. That the Defendant, United States of America operates the United States Department of Veteran's Affairs.
3. That tort claim notice was given to Defendant and the claim was denied on September 15, 2020. The Plaintiff has filed this lawsuit within one hundred eighty (180) days of the date of denial.
4. That this matter was previously under Case Number CIV-21-198-C and was Dismissed without Prejudice on November 29, 2021 and refiled within one year pursuant to 12 OS §100 the OK Savings Statute.

5. This is a matter of original Federal Jurisdiction pursuant to Federal Tort Claim Act (FTCA), Title 28 U.S.C § 1346(b), 2401(b) and 2671-2680.

COUNT I
NEGLIGENCE

6. That Plaintiff was a patient at Defendant's facility for several years prior to his death on October 30, 2016. Plaintiff was a patient of the Department of Veteran's Affairs medical clinics.

7. That while in the care of the Defendant's facilities, Defendant owed a duty of care to Plaintiff to properly diagnose Plaintiff of his liver disease.

8. That while in the care of Defendant's facilities, the Defendant failed to diagnose his liver disease. Once discovered by civilian doctors, his case was too advanced to cure, resulting in Plaintiff's death.

WHEREFORE, premises considered, the Plaintiff, prays for judgment against Defendant in an amount of One Million Dollars (\$1,000,000.00) plus court costs, attorney fees, and any other relief this Court deems just and proper.

Respectfully submitted,

/s/ Steven W. Crow
STEVEN W. CROW, OBA #15676
DELLUOMO & CROW, P.A.
6812 N. Robinson Avenue
Oklahoma City, OK 73116
Telephone: (405) 843-0400
Facsimile: (405) 843-5005
swcrowesq@aol.com
ATTORNEYS FOR PLAINTIFF

JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED